

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**CLIFFORD LEE PIPES, III
ADC #144242**

PLAINTIFF

v.

No: 3:20-cv-00349 KGB-PSH

SUSAN COX

DEFENDANT

ORDER

Plaintiff Clifford Lee Pipes, III filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 while incarcerated in the Poinsett County Jail (Doc. No. 2). He subsequently filed a notice of change of address indicating he had been moved to the Arkansas Division of Correction's (ADC) Randall Williams Facility (Doc. No. 13). Defendant Susan Cox filed a motion for summary judgment on January 24, 2022 (Doc. No. 16). The Court entered an order notifying Pipes of his opportunity to file a response in opposition. Pipes did not respond, and the Court discovered in June 2022 that Pipes was no longer listed as an inmate of the ADC. On June 21, 2022, the Court entered a text order noting that the ADC's website did not indicate that Pipes was still incarcerated there (Doc. No. 20). The Court directed Pipes to provide notice of his current mailing address by no later than thirty days from the entry of the June 21 text order. *See id.* Pipes was warned that his failure to provide a current mailing address may cause his complaint to be dismissed. A printed version of the text order was

sent to him at his last known address but was returned as undeliverable. *See* Doc. No. 21.

More than 30 days have passed, and Pipes has not complied or otherwise responded to the June 21 order. Accordingly, Pipes' complaint should be and hereby is dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders.¹ *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion). The Defendant's motion for summary judgment (Doc. No. 16) is denied as moot.

IT IS SO ORDERED this 27th day of July, 2022.



UNITED STATES MAGISTRATE JUDGE

¹ In its initial order to Pipes, the Court notified him of his duty to promptly notify the Clerk and the parties of any change in his address. The Court also notified Pipes that if any communication from the Court to him is not responded to within 30 days, his case may be dismissed without prejudice. Doc. No. 3.